THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17315 of 2007

Dated: 14.08.2007

Between:

Atluri Venkatadurga Ram Prasad.

..... PETITIONER

AND

State of A.P., rep.by Principal Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17315 of 2007

ORDER:

The petitioner is allegedly a landless and poor person. His case is that his father was in possession of land admeasuring Acs.3.11 in survey Nos.127/1 to 127/6 and 127/8 situated at Vissannapeta Village and Mandal, Krishna District, for a long period, whose name was also entered in the revenue records. His father allegedly purchased said land from Bhushanam and others, dug a bore-well and raised paddy crop. This land was gifted to one Nagasri Devi, wife of the petitioner. Third respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and passed orders under Section 4 of the Act on 24.07.2007. The petitioner preferred an appeal before second respondent on 26.07.2007 along with an application for stay. The application was not

considered and no orders were passed. In the meanwhile it is alleged that on 08.08.2007 the staff from the office of third respondent made efforts to take possession. Apprehending that he might be forcibly dispossessed, the petitioner filed instant writ petition.

The learned counsel for the petitioner does not dispute the legal position that when an appeal is preferred as provided under the statute, writ petition would not lie. However, insofar the action of second respondent in not passing orders on stay application is concerned, in view of the urgency second respondent ought to have passed orders immediately. Therefore, a direction was issued to second respondent to take up the stay application filed along with the appeal against the order of third respondent dated 24.07.2007 and pass necessary orders within a period of one week from the date of receipt of a copy of this order. The petitioner is given liberty to approach second respondent with a copy of this order when second respondent shall consider the matter and pass orders.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

14th August, 2007

Note: Issue CC today.

B/o

ghn